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10/616,131	07/08/2003	Stephen H. Zalewski	12745/1	1978

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EXAMINER

TRUONG, LOAN

ART UNIT PAPER NUMBER

2114

DATE MAILED: 04/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/616,131

Applicant(s)

ZALEWSKI ET AL.

Examiner

LOAN TRUONG

Art Unit

2114

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-8, 10-17 and 19-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Farmer et al. (US 2004/0133575).

In regard to claim 1, Farmer et al. disclosed a method, comprising:

storing a set of data on a data storage medium (*random-access storage in data management appliance, fig. 1, 114, paragraph 0018, lines 24-41*);

displaying a graphical user interface to a user, wherein the graphical user interface is a graphical representation of a replication schema (*MIM or Intrinsic Data Protection, paragraph 0022-0024*) to protect the set of data against logical disruption (*web browser window, fig. 6, 600, paragraph 0033*); and

providing the user with an ability to modify the replication schema (*MIM or Intrinsic Data Protection, paragraph 0022-0024*) through the graphical user interface (*administrator utilizes the user interface to define rules for point-in-time views, paragraph 0033*).

In regard to claim 2, Farmer et al. disclosed the method of claim 1, further comprising modifying the replication schema (*MIM or Intrinsic Data Protection, paragraph 0022-0024*) based on input received from the user through the graphical user interface (*administrator utilizes the user interface to define rules for point-in-time views, paragraph 0033*).

In regard to claim 3, Farmer et al. disclosed the method of claim 1, further comprising displaying a set of blocks on the graphical user interface, wherein each block represents an instance of replication (*directory panel list a number or published point-in-time views, fig. 5, 505, paragraph 0029, lines 7-10*).

In regard to claim 4, Farmer et al. disclosed the method of claim 3, wherein a subset of the set of blocks represents a snapshot copy (*replicas of primary storage at certain points in time, fig. 3, 300, 302, paragraph 0020*).

In regard to claim 5, Farmer et al. disclosed the method of claim 3, wherein a subset of the set of blocks represents a full copy (*MIM is used to record an exact copy of the primary storage system at some fixed point in time, paragraph 0022*).

In regard to claim 6, Farmer et al. disclosed the method of claim 3, further comprising dividing the set of blocks into groups (*R:\Groups, fig. 5, 505, paragraph 0029*).

In regard to claim 7, Farmer et al. disclosed the method of claim 6, wherein each group represents a different time interval (*point-in-view named "Thursday" provide a week's worth of daily point-in-views, fig. 5, 504, paragraph 0030*).

In regard to claim 8, Farmer et al. disclosed the method of claim 6, further comprising indicating whether a group is an online copy (*published point-in-time views, fig. 5, 505, paragraph 0030*) or an offline copy (*Point-in-time view of daily backup "Day 15", fig. 5, 506, paragraph 0031*).

In regard to claim 10, Farmer et al. disclosed a set of instructions residing in a storage medium, said set of instructions capable of being executed by a storage controller to implement a method for processing data, the method comprising:

storing a set of data on a data storage medium (*random-access storage in data management appliance, fig. 1, 114, paragraph 0018, lines 24-41*); and

displaying a graphical user interface to a user (*web browser window, fig. 6, 600, paragraph 0033*), wherein the graphical user interface is a graphical representation of a replication schema (*MIM or Intrinsic Data Protection, paragraph 0022-0024*) to protect the set of data against logical disruption and provides the user with an ability to modify the replication schema (*administrator utilizes the user interface to define rules for point-in-time views, paragraph 0033*).

In regard to claim 11, Farmer et al. disclosed the set of instructions of claim 10, further comprising modifying the replication schema (*MIM or Intrinsic Data Protection, paragraph 0022-0024*) based on input received from the user through the graphical user interface (*administrator utilizes the user interface to define rules for point-in-time views, paragraph 0033*).

In regard to claim 12, Farmer et al. disclosed the set of instructions of claim 10, further comprising displaying a set of blocks on the graphical user interface, wherein each block represents an instance of replication (*directory panel list a number or published point-in-time views, fig. 5, 505, paragraph 0029, lines 7-10*).

In regard to claim 13, Farmer et al. disclosed the set of instructions of claim 12, wherein a subset of the set of blocks represents a snapshot copy (*replicas of primary storage at certain points in time, fig. 3, 300, 302, paragraph 0020*).

In regard to claim 14, Farmer et al. disclosed the set of instructions of claim 12, wherein a subset of the set of blocks represents a full copy (*MIM is used to record an exact copy of the primary storage system at some fixed point in time, paragraph 0022*).

In regard to claim 15, Farmer et al. disclosed the set of instructions of claim 12, further comprising dividing the set of blocks into groups (*R:\Groups, fig. 5, 505, paragraph 0029*).

In regard to claim 16, Farmer et al. disclosed the set of instructions of claim 15, wherein each group represents a different replication interval (*point-in-view named "Thursday" provide a week's worth of daily point-in-views, fig. 5, 504, paragraph 0030*).

In regard to claim 17, Farmer et al. disclosed the set of instructions of claim 15, further comprising indicating whether a group is an online copy (*published point-in-time views, fig. 5, 505, paragraph 0030*) or an offline copy (*Point-in-time view, fig. 5, 506, paragraph 0031*).

In regard to claim 19, Farmer et al. disclosed a processing system, comprising:

- a memory that stores a set of data (*random-access storage in data management appliance, fig. 1, 114, paragraph 0018, lines 24-41*);
- a processor that performs a replication schema (*MIM or Intrinsic Data Protection, paragraph 0022-0024*) to protect the set of data against logical disruptions (*Data management appliance, fig. 7, paragraph 0042*).
- a display that shows a graphical user interface representing a graphical representation of the replication schema (*web browser window, fig. 6, 600, paragraph 0033*); and
- an input device that provides the user with the ability to modify the replication schema (*MIM or Intrinsic Data Protection, paragraph 0022-0024*) through the graphical user interface (*edit button, fig. 6, 606, paragraph 0039*).

In regard to claim 20, Farmer et al. disclosed the processing system of claim 19, wherein a set of blocks is displayed on the graphical user interface with each block representing an

instance of replication (*administrator utilizes the user interface to define rules for point-in-time views, paragraph 0033*).

In regard to claim 21, Farmer et al. disclosed the processing system of claim 20, wherein a subset of the set of blocks represents a snapshot copy (*replicas of primary storage at certain points in time, fig. 3, 300, 302, paragraph 0020*).

In regard to claim 22, Farmer et al. disclosed the processing system of claim 20, wherein a subset of the set of blocks represents a full copy (*MIM is used to record an exact copy of the primary storage system at some fixed point in time, paragraph 0022*).

In regard to claim 23, Farmer et al. disclosed the processing system of claim 20, wherein the set of blocks is divided into groups (*R:\Groups, fig. 5, 505, paragraph 0029*).

In regard to claim 24, Farmer et al. disclosed the processing system of claim 23, wherein each group represents a different replication interval (*point-in-view named "Thursday" provide a week's worth of daily point-in-views, fig. 5, 504, paragraph 0030*).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person



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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
  2. Ascertaining the differences between the prior art and the claims at issue.
  3. Resolving the level of ordinary skill in the pertinent art.
  4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
2. Claims 9, 18, 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Farmer et al. (US 2004/0133575) in further view of Scanlan et al. (US 6,745,210).

In regard to claim 9, Farmer et al. does not teach the method of claim 3, further comprising color-coding the set of blocks to indicate a point-in-time source set of data.

Scanlan et al. disclosed the method of visualizing data by color-coding each records (*col. 7 lines 42-49*).

It would have been obvious to modify the method of Farmer et al. by adding Scanlan et al. method of visualizing. A person of ordinary skill in the art at the time of applicant's invention would have been motivated to make the modification because it would provide a way to visually represent historical records of backup activity across a plurality of backup engines (*col. 2 lines 55-62*).

In regard to claim 18, Farmer et al. does not teach the set of instructions of claim 12, further comprising color-coding the set of blocks to indicate a point-in-time source set of data.

Scanlan et al. disclosed the method of visualizing data by color-coding each records (*col. 7 lines 42-49*).

Refer to claim 9 for motivational statement.

In regard to claim 25, Farmer et al. does not teach the processing system of claim 20, wherein each block is color-coded to indicate a point-in-time source set of data.

Scanlan et al. disclosed the method of visualizing data by color-coding each records (*col. 7 lines 42-49*).

Refer to claim 9 for motivational statement.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO 892.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Loan Truong whose telephone number is (571) 272-2572. The examiner can normally be reached on M-F from 8am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Baderman can be reached on (571) 272-3644. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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